

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

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Background

The Board of Supervisors finds that in order to safeguard rights and ensure accountability, it is in the best interest of the County and its residents, and essential for the administration of County government, to create, receive, maintain, and make available accurate and reliable County records; and that the most effective way to ensure this is to apply consistent standards for managing records and information across all County departments.

On April 16, 1991, the Board of Supervisors adopted the County's first Records Management Policy. On January 28, 2003, Board Policy A-43 established the County's records management program and formally created the County's archives under the management of the Assessor-County Clerk-Recorder's office. This program is known collectively as the County Records Management and Archives Program ("RMAP").

RMAP assists County Approved Records Storage Facilities used to store County records that are not immediately required to support day-to-day business. Records stored in Records Storage Facilities may be either temporary (those waiting for their destruction date) or permanent (those waiting to be transferred to an archive). Legal custody and control of records remain with the department that created or received the records, until such time as the records are legally destroyed or transferred to the Robert J. Fitch County Archives ("Archives"). The Archives is the repository of the permanently valuable records of the County. The Archives preserve and maintain these records and make them available for research.

Part A. County Records and Information Management Policy

Section A. General

Section A.1. Authority

This policy is adopted in consideration of the provisions of Government Code §6250 et seq. pertaining to public records; Government Code §§26202-26202.6 and §§26205-26205.8 pertaining to the Board of Supervisors' responsibilities regarding the retention and destruction of county records; Government Code §12168.7 pertaining to establishing standards for trusted systems; Government Code §26201 pertaining to destruction of duplicate records; and pursuant to

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County of Riverside Resolution 2016- 126 pertaining to management, retention, destruction, or disposition of county records.

Section A.2. Program Objectives

It is the purpose and intent of this policy to establish standards for managing County records and information in accordance with applicable laws; thus, the Board of Supervisors sets the following program objectives:

1. **Develop** uniform standards for managing County records and information.
2. **Educate** employees in the application of those standards.
3. **Facilitate** the implementation of those standards.
4. **Coordinate** the cost-effective storage of County records.
5. **Monitor** policy compliance.

Section A.3. Applicability

This policy and the standards developed by RMAP for managing County records and information apply to all County departments.

Section B. Program Responsibilities

Section B.1. Responsibilities – Records Management and Archives Program

The Assessor-County Clerk-Recorder's office manages and maintains RMAP on behalf of the Board of Supervisors. RMAP operates as a General Support Service (GSS) and establishes fees adequate to recover the full cost of maintaining the program. RMAP develops and maintains uniform standards for managing County records and information. RMAP provides training, advice, and assistance to departments on the application of those standards. In order for the Board of Supervisors to monitor compliance with this policy, RMAP conducts annual reviews of department record management practices and conformance with program standards and recommends improvements where appropriate. The results of the annual review and follow-up actions will be reported to the Board of Supervisors as part of RMAP's annual report per Section B.5.

Section B.2. Responsibilities – County Approved Records Storage Facilities

County records are stored with County-approved storage facilities suitable for records storage at locations determined to be most efficient to serve the needs of departments. These facilities offer services for the proper storage, retrieval, delivery and disposal of County records. Records which are not in conformity with

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a Board approved records retention schedule and program standards may not be accepted for storage at these facilities.

Any alternative records storage facilities used by departments to store County records, such as leased facilities or third-party vendors, shall meet the standards for secure records storage developed by RMAP. Non-Electronic County records shall only be stored in facilities with fire warning and suppression systems, and with adequate security to prevent unauthorized access to, or interference with, the records.

Section B.3. Responsibilities – Custody, Control of, and Access to Records

The rights of custody and control of departmental records remain with the department, including the granting of access to the records in accordance with applicable statutes, regulations, policies, and procedures. All applicable legal restrictions regarding access to records must remain in effect while stored at County approved Records Storage Facilities on behalf of departments.

Any County officer or employee, at the end of their term of office, appointment, or employment, will deliver to their successor, supervisor, or as directed by their department head, custody and control of all records kept or received by them. All records in the possession of any County department, upon termination of activities of such department, will be transferred to the successor department or to RMAP Administration, when directed by the department head, provided that such transfer of custody and control is consistent with the formal provisions of such termination.

Section B.4. Responsibilities – Departments

The management of departmental records is the responsibility of the department. The department head, or their designee, is responsible for implementing this policy and ensuring that their employees complete records management training offered or approved by RMAP. Departments develop their departmental guidelines, consistent with this policy and program standards, to govern the management and use of their records, regardless of the records' format, and to ensure adequate internal controls are in place to prevent the unauthorized use, removal, disposition or loss of records. Records in the possession of the department are governed by this policy and program standards, including the maintenance and adherence to record retention schedules, submission of the annual assessment report in the form prescribed by the program as specified under Section B.5, and the adoption of a trusted system as appropriate.

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Section B.5. Responsibilities – Annual Report

No later than 90 days following the close of each fiscal year, RMAP reports to the Board of Supervisors a compiled summary of the departmental annual assessment reports affecting records maintained by the departments.

Section C. Standards

Section C.1. Standards – Development

With the approval by the County Executive Officer and County Counsel, RMAP develops program standards for managing County records and information that are consistent with applicable statutes and regulations and in consideration of recognized best practices.

Section C.2. Standards – Official Record

When any County record is held by more than one department, the departments concerned will clearly designate the copy that will serve as the official record in a Board approved retention schedule. The official record must meet or exceed all legal and evidentiary requirements and be maintained in accordance with this policy.

Section C.3. Standards – Reformatting

Where a record is reformatted to another medium, whether analog or electronic, in such a way that the reformatted record may act as a legal surrogate for the original, the reformatted record is considered to be the official record and is subject to the same requirements and restrictions applicable to the original.

Section C.4. Standards – Microfilm

Films used in the microphotography process will conform to quality standards approved by the National Institute for Standards and Technology and the American National Standards Institute, or other generally recognized standard setting organizations as applicable and relevant.

Section C.5. Standards – Electronic Format

It is the policy of the Board of Supervisors that official records maintained in electronic form are stored within a Trusted System and conform with applicable laws and regulations. A “Trusted System” means a combination of technologies, policies, and procedures for which there is no plausible scenario in which a public

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record retrieved from or reproduced by the system could differ substantially from the public record that is originally stored.

Section C.6. Standards – Trusted System Acceptance Process

It is each department's responsibility to ensure the Trusted System that is being employed complies with applicable laws and standards. Departments shall refer to the Trusted System Review guide to document that the minimum requirements for compliancy set by RMAP have been met. RMAP shall be responsible for reviewing and accepting each department's Trusted System Review application, as established by RMAP.

Section D. Records Retention and Destruction

Section D.1. Records Retention Schedules – General

In order to efficiently and effectively implement the various provisions of the Government Code pertaining to Board of Supervisors approval of records retention and destruction, the county uses Board-approved general and departmental records retention schedules. These schedules specify the various record series, retention periods, and any particular restrictions or specifications regarding retention, disposition and destruction.

Section D.2. Records Retention Schedules – Responsibilities

RMAP, acting as a liaison between departments, coordinates the preparation of records retention schedules and verifies the destruction of records.

Section D.3. Records Retention Schedules – Responsibilities – Master File

RMAP maintains a master file of all records retention schedules approved by the Board of Supervisors with a copy of the Board minute order of approval attached to each. Reference copies of the approved records retention schedules are available on RMAP's intranet site.

Section D.4. Records Retention Schedules – Standard – Official Record

Records retention schedules apply to the official record, unless explicitly stated otherwise.

Section D.5. Records Retention Schedules – Standard – Retention Periods

Records retention schedules apply to all records regardless of media or format. The implementation of Board-approved records retention schedules, including the

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prompt destruction of records upon expiration of the assigned retention period, is mandatory. The extension of a retention period due to litigation or audit will be submitted by the department head using the prescribed RMAP form. RMAP reports all extensions to the Board of Supervisors annually.

Some records series listed on the county's general records retention schedule may need to be retained by a department longer due to specific audit or legal requirements. Such series will be listed on a departmental records retention schedule as described in Section D.8 below.

No duplicates or other copies of any records are to be retained longer than the mandatory retention period for the official record. When records are disposed of by schedule, departments will ensure no duplicates or other copies are retained.

Section D.6. Records Retention Schedules – Approval

Pursuant to Government Code §26205.1 and Resolution 2016-126, records retention schedules must be approved by the Board of Supervisors to be in effect.

RMAP coordinates the submission of records retention schedules to the Board of Supervisors for approval including the preparation of the Form 11. Prior to submittal, Departmental Record Retention Schedules (DRRS) are reviewed by an authorized designee from RMAP, the applicable Department Head or designee, and County Counsel. The county's general schedule will be approved by an authorized designee from RMAP and County Counsel.

Section D.7. Records Retention Schedules – General Schedule

In consultation with other county departments, RMAP develops and maintains a general records retention schedule for the county. The general records retention schedule provides the authority for the disposition of records commonly found in most county departments. Retention requirements for departments' specific program records are listed in their own departmental records retention schedules (per Section D.8).

Section D.8. Records Retention Schedules – Departmental Schedules

Each department develops department-specific records retention schedules to include records unique to their business. RMAP provides the forms and procedures for inventorying records and developing the retention schedule, and provides guidance and assistance to departmental personnel.

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Section D.9. Records Retention – Records Destruction

Pursuant to Government Code §§26202-26202.6 and 26205-26205.8, county records will be destroyed in accordance with a Board of Supervisors approved records retention schedule, or after reformatting to required standards (per Section C.3), or with specific permission of the Board of Supervisors.

All records, physical or electronic, are to be destroyed in accordance with this policy at the end of the approved retention period. All approvals for destruction of records include approval by the department head, or their designee, that the records are not required in relation to active or likely litigation, public records request, subpoena, or for audit purposes. Records required in relation to litigation are to be retained until all litigation matters are resolved and both Risk Management and County Counsel approve the destruction. Records required for audit purposes are to be retained until the audit is complete and audit exceptions are resolved.

A representative of the department or County Approved Record Storage Facility will supervise the destruction of records and attest in writing that destruction was carried out according to required procedures.

Section D.10. Records Retention – Non-Records Destruction

Pursuant to Government Code §26201 and other provisions of state statutes, non-records, as defined in this policy, may be destroyed at any time. Departments may dispose of non-records when they are no longer needed to support business processes.

Part B – County Archives Management Policy

When properly identified and preserved, the records of a local government provide essential information about its residents and historical events. Through the collection of vital records, such as birth, marriage and death certificates, the lives of county residents can be traced. By retaining county ordinances, resolutions, policies and minutes, the reasons behind significant governmental actions are preserved. By making available these and other records, such as land transactions and building activities, the changing prosperity and landscape of the county are better understood. Together, this information reflects the evolving values and culture of the County of Riverside and serves as a source of understanding for generations to come.

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The Board of Supervisors established the Robert J. Fitch County Archives to identify, preserve, describe and make available records of enduring value relevant to the government of the County of Riverside. Serving as both a repository for these unique documents and as a public resource center, the County Archives provides not only access to its collections, in accordance with applicable laws, but also assists with locating other archival government records in the possession of the various county departments. In order to ensure their preservation and access, historical records of archival value in the custody of departments are to be transferred and accepted into the County Archives repository collections as may be allowed by law.

Glossary

As used in this policy, the following definitions apply:

“Accession” means the process whereby the County Archives accepts transfer from a county department of records of permanent value which the department selects for preservation and which are brought within the County Archives’ systems of physical and intellectual control.

“Archival custody” means the state of records once accessioned by the County Archives, which includes planning and budgeting for their preservation, and for providing access in accordance with all applicable statutes, regulations, policies and procedures.

“Archives” means a facility for the collection, preservation, and use of records of historical value that is managed and operated to generally accepted standards of archival practice. Departments transfer legal custody of records as allowed by law to the County Archives, although legal, regulatory and procedural restrictions regarding access to those records remain in effect.

“Department” means every county office, department, group of departments, division, agency, bureau, board, and commission that is not a separate public entity of the county.

“Duplicate” means any accurate and unabridged copy of a record or series of records.

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“Non-records” means duplicates or other copies of records made solely for convenience or reference; working papers such as rough notes, calculations or drafts assembled or created and used in the preparation or analysis of other documents; appointment logs; stocks of blank forms or publications; or library or museum material intended solely for reference or exhibit.

“Official record” means the copy of the record designated as the official copy.

“Permanent” as applied to records means there is no termination or end point to the value of maintaining the records, and that they or their appropriate surrogate are intended to be available indefinitely.

“Records” means all papers, maps, plans, photographic films and prints, microfilm or other micro-formats, electronic data, audio and visual materials, and other documents, regardless of physical form or characteristics, which are produced, received, owned, used, or retained by a department in the regular course of transacting official county business.

“Reformatting” means to copy the content, structure, and context of records to another medium, whether analog or digital, in such a way that the copy may act as a satisfactory surrogate for the original. This requires meeting accepted national standards for particular processes and media and applicable laws and regulations.

“Retention period” means the length of time a record must be retained to fulfill its administrative, fiscal and/or legal function.

“Retention schedule” means a list of all categories of records produced or maintained by a department, and the required and Board of Supervisors approved actions to be taken with regard to those records, including establishing their retention period.

“Temporary” as applied to records means there is a termination or end point to the value of maintaining the records, and that they are intended to be disposed of at that point.

“Trusted system” means a combination of techniques, policies, and procedures within which there is no plausible scenario in which a document retrieved from or

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reproduced by that system could differ substantially from the document as originally stored.

Reference:

Minute Order 3.12 of 04/16/1991
Minute Order 3.4 of 01/28/2003
Minute Order 3.36 of 01/13/2004
Minute Order 3.8 of 06/8/2004
Minute Order 3.5 of 1/23/2007
Minute Order 3.8 of 2/5/2008
Minute Order 3.12 of 12/16/2008
Minute Order 3.6 of 7/21/2009
Minute Order 3.11 of 12/01/2009
Minute Order 3.19 of 4/20/2010
Minute Order 3.4 of 12/17/2010
Minute Order 3.2 of 11/08/2011
Minute Order 3.10 of 12/12/2011
Minute Order 3.10 of 1/10/2012
Minute Order 3.20 of 08/28/2012
Minute Order 3.2 of 11/27/2012
Minute Order 3-18 of 02/26/2013
Minute Order 3-12 of 07/14/2013
Minute Order 3-18 of 08/20/2013
Minute Order 3-15 of 11/05/2013
Minute Order 3-9 of 12/10/2013
Minute Order 3-19 of 09/09/2014
Minute Order 3-8 of 06/30/2015
Minute Order 3-3 of 05/24/2016
Minute Order 3-8 of 05/21/2019
Minute Order 3.9 of 10/04/2022